

Placer County Grand Jury

The following Placer County residents have qualified and been sworn to serve on this 2004-2005 Grand Jury:

Paul Ahdan	Jim Boltman	Ralph Krueger
Ilene D. Albert	Herbert Boyer	Yvonne L. Lewis
Bill Angerer	Pete Brink	Gene Potts
Carmen Armstrong	Craig G. Clymo	Stan Prager
James M. Baker	Ken Gandee	Paul Ridgeway
Linda Barley	Frances T. Hale	Denny Valentine
Shirley Vincent		

The Grand Jury offers a special tribute for the service and dedication of Kenna Charles Gandee, who passed away on September 14, 2004. Mr. Gandee was a member of three Placer County Grand Juries: 2001-2002, 2003-2004, and 2004-2005. In addition, he served on the San Bernardino County Grand Jury in the 1990's.

The 2004-2005 Grand Jury organized itself into nine Standing Committees for purposes of research, study, and preparation of reports. All reports herein have been approved by the Grand Jury's full panel. The nine committees are as follows:

Audit and Finance	County Administration	Health and Welfare
Cities	Criminal Justice	Schools and Libraries
Continuity	Editorial	Special Districts

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AUBURN AREA RECREATION AND PARKS DISTRICT

Summary

The 2004-2005 Grand Jury continued work on four complaints received by the 2003-2004 Grand regarding the Auburn Area Recreation and Parks District (ARD), as well as an additional complaint received by the current Grand Jury. These complaints included allegations regarding receipt and disbursement of funds designated for a specific use, timeliness and accuracy of financial reports, independent investigation of claims alleged against board members by staff, Brown Act violations, and procurement issues. The Grand Jury found problems identified by previous Juries unaddressed along with additional matters of concern, and makes recommendations to improve ARD's operations.

Narrative

Background to Investigation. Issues in ARD's operations have been noted by previous grand juries. The 1997-1998 jury conducted an ARD investigation resulting in eight recommendations.

The 2003-2004 Grand Jury's ARD investigation led to four recommendations:

1. Better compliance with the Brown Act.
2. Required revision of the Personnel Policy Manual.
3. Required revision of the Board of Director's Procedures and Responsibilities Manual.
4. Further ARD investigation by the 2004-2005 Grand Jury.

Investigation by the 2004-2005 Grand Jury. ARD responses indicated general agreement with last year's Jury recommendations. The Grand Jury's Special Districts Committee accepted the ARD responses as responsive except for Brown Act compliance. Thus, the Committee mainly investigated matters not addressed by the previous Grand Jury.

The Committee focused on issues of financial reporting, legal claims, personnel matters, the general operation of the board, Brown Act problems, and procurements.

The Committee collected data in a variety of ways:

- reviewed applicable state law, and ARD's draft revision to the Board Procedures and Responsibilities;
- reviewed documentation to include contracts, complaints, meeting agendas and minutes;
- conducted interviews with Board members, management, and staff;
- attended Board meetings;
- looked at financial reports.

Results of the Investigation. In general, the Committee found ARD had a wide range of operational problems that impede its effective operation and result in poor management. A discussion of specific problem areas follows:

1. *Outside Counsel.* ARD's outside counsel has been the same firm for several years. While use of the same firm should have provided organizational stability, in reality this has not been the case. ARD problems have escalated over the past few years as have legal fees. While legal fees for the years 2000-2003 averaged \$71,000 per year, fees in the 2003-2004 year, the last full fiscal year for which we have data, escalated to \$172,000.
2. *Extended Use of Same Outside Audit Company.* The audit firm of B.L.Myers has been employed by ARD since the fiscal year 1999-2000. The last full fiscal year reported on by this firm was for its fifth successive year of employment. It is generally considered good business practice for a public agency such as ARD to change its outside audit company every three to five years. The Government Finance Officers Association supports reasonable and timely rotation of outside auditors.
3. *Lack of a Board Approved Capital Improvement Program 5-Year Plan.* The last Board approved Capital Improvement Program 5-year Plan was during the 2002-2003 fiscal year. Organizations such as ARD usually have formal 5-year plans that can be updated each year at budget time and made public. The purpose of these plans and their regular updates is to identify changing needs.
4. *Operational/Management Audit.* Records indicate that ARD has never commissioned an operational/management audit. The Committee learned that while the Board has discussed the possibility of such an audit, no decision has been made. Organizations experiencing operational challenges routinely utilize this type of audit and find it effective.
5. *Lack of Timely Financial Information.* ARD's financial statements for September, October, and November 2004 were not approved until the February 2005 Board meeting. Financial statements for December 2004 were not Board approved until March 2005. The revised budget for Fiscal Year 2004-2005 was approved at the November 2004 Board meeting. Timely financial information is vital to effective operation.
6. *Lack of a Clear Procedure for Investigating Claims Against the District.* The Committee identified a claim in excess of \$25,000 filed by ARD's District Administrator in September 2004 against two specific board members and the full board. This claim is still active, with all the parties involved placed in an awkward position, inconsistent with an effective working relationship. ARD has no clear procedure for investigating such claims. The 1997-1998 Grand Jury recommended a neutral party investigate all harassment claims brought forth by employees against either the District Administrator or a board of directors member. ARD has never acted upon this recommendation.

7. *Board Procedures and Responsibilities Policy.* The Committee understands a revised Board Procedures and Responsibilities Policy has been drafted and is under review. Among other remedies, this revision allows action to be taken to officially respond to inappropriate behavior by board members.
8. *Continuing Lack of Understanding of Brown Act Implications.* ARD response to the 2003-2004 Grand Jury stated that board members would attend Brown Act training approximately once every two years. With two new ARD board members elected in November 2004, it is obvious that having them trained once every two years does not provide adequate training for the board. No formal Brown Act training has been conducted for the entire board.
9. *Community Support.* Despite its problems, ARD enjoys widespread community support, with over 400 volunteers working on various district programs.
10. *Problems beyond the Committee's Investigative Timetable.* The Committee has noted potential problems with ARD, such as procurement policies.

Findings

The 2004-2005 Placer County Grand Jury found:

1. ARD's outside legal counsel has not provided a cost effective, stabilizing influence in recent years.
2. ARD's outside auditing firm has remained the same for five years.
3. ARD lacks a Board approved Capital Improvement 5-Year Plan.
4. ARD is evaluating the need for an operational/management audit.
5. ARD's financial information has lacked timeliness.
6. ARD has not implemented a clear procedure for investigation of harassment claims against the district.
7. ARD is evaluating a revision to the Board Procedures and Responsibilities Policy.
8. ARD board members do not receive enough timely training regarding the Brown Act, and have a limited understanding of its ramifications.
9. ARD enjoys widespread community support.

Recommendations

The 2004-2005 Placer County Grand Jury recommends:

1. ARD evaluate the retention of new outside legal counsel to provide a fresh perspective on its legal issues and the cost effectiveness thereof.
2. ARD's outside audit firm be changed.
3. ARD's board annually approve a Capital Improvement 5-Year Plan.
4. ARD commission an operational/management audit.

5. ARD develop and maintain its financial information on a timely basis; approval of monthly financial statements should never lag more than one month.
6. ARD implement a clear policy regarding the handling of harassment claims against the district, and bring closure to existing claims expeditiously.
7. ARD adopt a current revision to the Board Procedures and Responsibilities Policy and ensure members adhere to that policy in conducting their activities.
8. ARD ensure all board members have timely Brown Act training. This training should not be limited to merely handing out relevant materials and hoping board members read it.
9. ARD find a way to leverage its community support to achieve a more favorable perception of the district. An active public relations effort would be highly beneficial.
10. The 2005-2006 Grand Jury continue to monitor ARD, ensuring these recommendations are implemented.

Respondents (within 60 days) (See pages 39-42 for Respondents' Instructions):

- Auburn Area Recreation and Parks District Administrator

Respondents (within 90 days) (See pages 39-42 for Respondents' Instructions):

- Auburn Area Recreation and Parks District Board of Directors

PLACER COUNTY MAIN JAIL

Summary

A new 120-bed wing was added to the Placer County Main Jail in March, 2003, increasing the jail's potential capacity to 646 beds. However, as a result of earlier budget shortfalls and, more recently, the delay of hiring, 106 beds are still not being used. In the year 2004, 37% of all inmates were released early because the added 120 beds were not used. In early 2005, 14 beds were made available for use, but 106 beds are still not being used. Therefore, the Grand Jury recommends the county take the steps necessary to make use of these 106 beds and also recommends the county Personnel Department work closely with jail staff to facilitate the hiring of the necessary officers to fully staff the jail.

Narrative

Background to Investigation. Penal Code Section 919(b) states: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Accordingly, the 2004-2005 Placer County Grand Jury visited the Placer County Main Jail and had subsequent interviews with key sheriff's office personnel. Because the Grand Jury has visited and reported on the Placer County Main Jail for each of the past several years, the current Grand Jury also followed up on the specific recommendations of the previous Grand Juries.

Follow-up on 2003-2004 Grand Jury Recommendations. The 2003-2004 Grand Jury's major recommendation relating to the Main Jail, issued in June 2004, noted the Main Jail had completed a \$9.5 million construction project in April 2003 for a 120-bed wing but this wing was still not used as a result of budgetary constraints. At the time of the June 2004 report, the new unused wing was 15 months old and still unused.

Unfortunately, the 2004-2005 Grand Jury has found 106 beds are still not used.

The Unused Beds. The 2003-2004 Grand Jury noted in its annual report the 120-bed wing was not being used because the \$1.5 million required for staffing for that area had not been budgeted.

In interviews in both February and April 2005, Sheriff's Department officials told the 2004-2005 Grand Jury's Criminal Justice Committee that, although budgetary funds had now been allocated, the requisite personnel had not yet been hired to cover the added beds. The jail staff has reconfigured the jail's housing units to make use of the new 120-bed wing, but does not currently house inmates in a comparable 106-bed area. This 14-bed difference results from the jail's opening a 14-bed unit in early 2005. Thus, the jail currently has an operating capacity of 540 beds vs. a total potential capacity of 646 beds.

Early Releases. During the past five years, over 20% of the jail's inmates were required to be released early because of inadequate space in the jail. This percentage of early releases has increased during that time period. In 2004, 37% of the inmates had to be released early because of inadequate jail space (while 120 beds remained unused).

In interviews, jail staff indicated that if the additional 120 beds had been available in the past few years, requirements for early releases would have either been totally eliminated or greatly minimized.

Early Releases and Lack of Space for New Inmates. On an ongoing basis, new offenders are arrested daily and need to be processed into the system. Depending on the severity of their crimes, these offenders may qualify for immediate bail, may be released on their own recognizance, or may be candidates for incarceration at the jail. When new offenders are booked into the jail, this often means that someone else must be released, due to the continuing bed shortage. At that time, jail staff need to decide who should stay in jail and who should be released. Currently, about 12 inmates are given early releases each day.

Plans for Using the Added 106 Beds. The Sheriff's Department has made detailed plans for use of the currently unused 106 beds. They have identified qualified personnel to be hired and will open the additional areas when their staff is large enough to handle the increased work. However, because there is a considerable lag time between making a job requisition and having a fully trained staff member, there is no firm date for opening the unused housing units.

The Jail's Staffing Problem. The jail managers currently have staffing problems that are major impediments to jail operations. In late 2004, the county instituted a hiring freeze that affected the jail's recruitment and hiring activities. Then, when the hiring freeze was lifted, jail staff had to begin their hiring activities anew, starting with new job requisitions and the entire set of hiring tasks. These tasks are more complex and time consuming for the jail's staffing than is the case for many other new county employees. New jail employees are required to undergo detailed background checks and a combination of eight weeks of on-the-job training and 176 hours of off-site training. Thus, new employees cannot be hired quickly and are not fully functional for several months.

In the past year, jail personnel had a turnover rate of about 10%, with the jail losing several staff members to other police jurisdictions. This has resulted in personnel shortages, and has made overtime a way of life for the jail staff. The jail's managers are not allowed to submit a requisition for a new employee until a fully funded vacancy occurs, even though it is well known that the lead time for hiring a new employee is several weeks and a new employee will not be fully functional for several months.

Grand Jury Jail Tour. The 2004-2005 Grand Jury made an extensive tour of the county jail. Major observations were:

- The Sheriff's department complies fully with Federal and State laws regarding jail capacity and the requirements for early releases.
- Within its budgetary constraints, the Sheriff's Department does a commendable job in operating the jail.
- While crime continues to increase in this growing county, the jail capacity has not (de facto) increased much since 1998.
- Certain exterior walls of the jail are in need of repair, even though these walls are only two years old. These walls have begun to leak, and sandbags have been placed within the walls in numerous places.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The jail is currently not using 106 beds as a result of a previous budget problem and current staffing shortages.
2. Without use of the 106 beds, early inmate releases continue at an alarming rate.
3. The jail has a significant staffing shortage and has major challenges in getting and retaining adequate staff numbers.
4. Some exterior jail walls are in need of repair.
5. The Placer County Main Jail personnel perform their duties well.

Recommendations

The 2004-2005 Placer County Grand Jury recommends:

1. The Sheriff's Office initiate use of the unused 106 beds as soon as possible.
2. The exterior jail walls be repaired.
3. The jail managers work closely with the county Personnel Department to devise a method to facilitate more rapid hiring of needed personnel.
4. The 2005-2006 Grand Jury continue to monitor the progress in responding to these recommendations.

Respondents (within 60 days) (See pages 39-42 for Respondents' Instructions):

- Placer County Executive Officer
- Placer County Sheriff's Office
- Placer County Personnel Department (Recommendation #3)

GENDER BIAS IN DOMESTIC VIOLENCE CASES

Summary

Responding to an official complaint regarding gender bias in law enforcement, the 2004-2005 Grand Jury expanded its initial investigation into other county agencies and entities. Our investigation indicated that most people, including those working in law enforcement, in the court system, and in Children's System of Care (CSOC) (formerly known as Child Protective Services), tend to assume it is most likely for a man to be the offender in domestic violence cases. However, with cultural changes in recent years, women have become more aggressive, and often are the chief offenders in domestic violence cases. The Grand Jury recommends that all who deal with domestic violence cases become more aware of the possibility that men may be unjustly victimized as a result of gender bias.

Narrative

Background to Investigation. The 2004-2005 Placer County Grand Jury received a carryover formal complaint. This was a case in which a man was victimized in a domestic violence situation. In one instance, he had been in police custody (on another matter) at the same time his wife stated he exercised violence on her. He was nevertheless charged with violence against his wife simply on the basis of the wife's false words and emotions. Based on this case and allegations of other miscarriages of justice in the gender bias area, the Grand Jury expanded its inquiries into the larger realm of gender bias in law enforcement, the courts, and, particularly, CSOC.

Interviews with Men and Women Assigned to Anger Management Counseling. The Grand Jury's Criminal Justice Committee conducted a series of interviews with over a dozen men and women who had been ordered by the courts to participate in anger management programs. Several of the men in this group claimed they were the ones who were "battered" by their spouses rather than being the batterers, which was the way the cases had been decided. This claim (that they had been erroneously charged as batterers) was supported by their group facilitator, who claimed that all too often men are erroneously charged as the batterers as a result of gender bias. Some of the women participating in the anger management group substantiated the men's statements.

When being interviewed about the source of gender bias, the men who were interviewed generally claimed the police were mostly fair to them, and also, the courts were generally fair, but the personnel in CSOC were guilty of gender bias.

The attendees in the anger management group expressed dismay that they were the ones who had to pay for group sessions that they are required to attend for 52 weeks, especially when they felt they had been erroneously charged. The

costs vary from \$20 to \$60 per session and often cause hardships such as job stress and interference in work hours.

Interviews with Police and Sheriff Office Personnel. The Committee interviewed representatives from several city police departments and sheriff office personnel. Each of these people insisted they evaluated each domestic violence situation on its own merits and recognized women could be just as guilty of domestic violence as men.

Difficulty in Identifying and Accessing Children's System of Care (formerly CPS). The Committee found considerable difficulty in identifying the current entity that was formerly labeled Child Protective Services. Neither the regular telephone directory nor the Placer County Agencies directory was clear or consistent with respect to this problem. In fact, the committee found that even the Placer County Public Information Office staff had to do some double-checking before they were able to correctly state the current name of the former CPS entity. The committee also found that when one calls the number listed for Children's System of Care (CSOC) there was a likelihood of being able to speak only to an answering machine.

Interviews with Representatives from CSOC and Other County Social Workers. The Committee interviewed personnel at varying levels of responsibility within CSOC as well as other county social workers. They all claimed there was no gender bias in their policies or in the execution of their duties. They admitted, however, it was possible some mistakes had been made whereby some men had been falsely accused of domestic violence.

Findings

The 2004-2005 Placer County Grand Jury found:

1. It is likely mistakes were made in the convictions of some men, and gender bias was indeed an important factor in those erroneous decisions.
2. The prevailing perception among male domestic violence offenders was CPS (now CSOC) was the agency most troubling to them as a result of its gender bias, and they felt this had resulted in the most egregious errors.
3. All county agencies and all persons interviewed who worked for the county claimed a total lack of gender bias, but admitted there may have been some cultural assumptions among staff members that caused wrong judgments.
4. Attendees in the court mandated anger management group sessions are required to attend these sessions for 52 weeks and are required to pay for these sessions.
5. The current official name for Child Protective Services, which is Children's System of Care, is difficult to find. The telephone accessibility of Children's System of Care is difficult as well.

Recommendations

The 2004-2005 Placer Grand Jury recommends:

1. CSOC ensure their workers are well trained to recognize gender bias as a possibility in their domestic violence decision making.
2. Further investigation implemented by CSOC to continue the study of possible gender bias.
3. The county share the cost of mandated attendance at anger management sessions, which should result in more attention to gender bias.
4. CSOC to better publicize its new name as the successor entity to CPS, and also, to achieve improved telephone accessibility.

Respondents (within 60 days) (See pages 39-42 for Respondents' Instructions):

- Children's System of Care
- Placer County Executive Officer
- Placer County Public Information Officer (Recommendation #4)
- Placer County District Attorney
- Health and Human Services Department

CONFLICT OF INTEREST AND RECORD KEEPING PRACTICES OF PLANNING COMMISSIONS AND DESIGN REVIEW BOARDS OF CITIES IN PLACER COUNTY

Summary

The 2004-2005 Placer County Grand Jury Cities Committee investigated the cities of Auburn, Colfax, Lincoln, Loomis, Rocklin, and Roseville regarding how their Planning Commissions and Design Review Boards handle conflicts of interest and perform record keeping tasks. The investigation indicated significant improvements are needed in both areas. The Grand Jury recommends specific changes to ensure the cities properly monitor any conflicts of interest and also suggests a wider distribution of agendas and meeting minutes.

Narrative

Background to Investigation. The Grand Jury received a complaint concerning a potential conflict of interest of a planning commissioner in Lincoln. The complainant noted the excessive number of times a planning commissioner had recused himself from hearing items brought before the Commission. The complainant highlighted an instance where this same commissioner recused himself from hearing an item, but then took the podium to advocate the item for his client. The complaint further alleged the Lincoln Design Review Board failed to keep adequate meeting minutes.

As the investigation progressed, the Committee determined there would be value in expanding the investigation to each of the county's six cities. Accordingly, the Committee looked into the operation of each city's Planning Commission and Design Review Board with respect to the questions of "conflict of interest" and "proper record keeping."

Methodology of the Investigation. The Committee performed the following investigative activities.

1. *Review of Relevant Laws and Documents Regarding Both Conflict of Interest and Meeting Records*, to include:
 - Information regarding conflict of interest recusal requirements as specified by California's Political Reform Act; the most pertinent item was "Can I Vote?: An Overview of Public Officials' Obligations Under the Political Reform Act's Conflict of Interest Rules," State of California Fair Political Practices Commission, 2004.
 - Information posted on the website of the California State Attorney General regarding the Brown Act, specifically "The Brown Act: Open Meetings for Local Legislative Bodies," California Attorney General's Office, 2003.

- Materials published by the League of California Cities' Institute for Local Self Governance concerning ethics laws as they apply to local public officials; the pertinent item was: "A Local Official's Guide to Ethics Laws," League of California Cities, Institute for Local Self Governance, Spring 2002.
2. *Review of Agendas and Minutes for Planning Commission and Design Review Board Meetings from October, 2002 – October, 2004.* The Committee obtained additional information from city staff on reasons for recusal when it was not included in the meeting minutes.
 3. *Review of Each City's Website with Respect to Agendas and Minutes for Planning Commission and Design Review Board Meetings.* A detailed analysis of each website was conducted examining meeting agendas and minutes. A list of websites utilized for government information appears in Appendix A.
 4. *Review of Relevant City Policies and Procedures.* The Committee sent two letters to the City Manager of each city requesting specific information about the city's conflict of interest policies and procedures, and the practices of the Planning Commission and Design Review Board. Also requested were copies of agendas and minutes from each Planning Commission and Design Review Board. All cities submitted the requested information.
 5. *Visits to Meetings of the Planning Commissions and Design Review Boards.* The Committee attended meetings in selected cities to gather data on the conduct of the meetings.
 6. *Consultation with Professional Legal Advisors.* The Committee consulted attorneys regarding the issues of recusal procedures, definitions of conflict of interest, and the adequacy of meeting minutes.

Results of Investigation. The results of the investigation are presented in Tables 1-3. Each table is preceded by a discussion of key points.

Planning Commissions, Design Review Boards, and Their Agendas and Minutes. Table 1 presents a summary of the agency composition and the website availability of agendas and minutes. Notable points identified in the table follow:

- None of the cities maintain a current listing on their website of both agendas and minutes for their Planning Commission and Design Review Board meetings.
- The City of Lincoln does not keep minutes of their Design Review Board meetings.
- The composition of the Design Review Board varies among the cities.

Table 1. Planning Commissions, Design Review Boards, and Their Agendas and Minutes.

City/Town	Planning Commission (PC) Composition	Design Review Board (DRB) Composition	Agendas and Minutes on City Website (as of 4/1/05)
Auburn	5 members, 4-year term, 3-term limit.	Planning Commission acts as Design Review Board.	Agendas and minutes for 9/21/04-1/18/05.
Colfax	5 members; at least 3 must be residents; others must maintain business in Colfax; 4-year term.	5 members; must be a resident or maintain a business in Colfax; 4-year term; created by ordinance.	No agendas or minutes.
Lincoln	7 members; 4-year term; each City Council member appoints one Commissioner.	City Engineer; City Planner; City Administrator (or designee); City Fire Chief (or designee); a member of Planning Commission; a member of the public appointed by City Administrator; created by ordinance; no terms specified for citizens.	Agendas for 1/17/01-3/16/05. (PC only). Minutes for 1/21/04-12/15/04 only. (PC only). DRB does not keep minutes.
Loomis (town)	5 members; 4-year term; each Town Council member appoints one Commissioner	Does not have a Design Review Board.	Agendas: none. Minutes: none.
Rocklin	5 members; 4-year term.	Planning Commission acts as the Design Review Board	Agendas: only the current agenda is posted. Minutes: none.
Roseville	7 members plus alternates for major projects where a regular member is absent or disqualified; 4-year term; limited to 2 consecutive terms.	3 members; 2 appointed by City Council and 1 designated by Planning Commission; 4-year term; limited to 2 consecutive terms; created by ordinance.	PC Agendas: 2/24/05-3/24/05 PC Minutes: 1/27/05-2/24/05 DRB Agendas and minutes: 12/03-12/16/04.

Conflict of Interest and Recusal Practices. Table 2 summarizes the data collected from the cities regarding training and monitoring of conflict of interest and their procedures for recusal when a conflict exists. Notable points in the table follow:

- Cities vary in providing conflict of interest training and monitoring.
- The procedures for handling conflicts of interest are varied. Four cities do not have written policies for their Planning Commission and Design Review Board specifying procedures members must use when they recuse themselves from hearing an item.
- Auburn and Roseville have written procedures for recusal when a conflict of interest exists.
- Rocklin and Roseville maintain a map of conflict zones for property of members of their Planning Commission and Design Review Board to assist appointees and staff in identifying when a conflict may exist.

Table 2. Conflict of Interest and Recusal Practices

City/Town	Conflict of Interest Training Provided to Planning Commission and Design Review Board Members	Staff Responsible for Monitoring Conflict of Interest	Procedures for Recusal When a Conflict of Interest Occurs
Auburn	Community Development Director meets with each member, discusses information from League of California Cities; members attend annual Planning Commissioners Institute of the League of California Cities.	City Attorney and Community Development staff work with members on conflict of interest issues.	Written procedures for recusal; when item is called, commissioner must declare nature of conflict and not participate in discussion of the item.
Colfax	City provides training materials and conducts work sessions; City Attorney provides personal counsel.	City Manager, City Attorney and City Planner monitor compliance.	NO written procedures for recusal.
Lincoln	City Attorney discusses conflict of interest with members of boards and commissions. "A Local Official's Guide to Ethics Laws" from Institute for Local Self Government is provided to Commissioners.	No staff designated to monitor conflict of interest by Planning Commissioners; they monitor themselves.	NO written procedures for recusal.
Loomis (Town)	Town Attorney discusses current laws; provides materials from the League of California Cities.	Town Attorney and Planning Director monitor compliance.	NO written procedures for recusal.
Rocklin	City Clerk and City Attorney provide information; members attend the annual Planning Commissioners' Institute of the League of California Cities.	No staff designated to monitor conflict of interest by Commissioners; they monitor themselves; map of conflict zone maintained for property of each member.	NO written procedures for recusal; Commissioners are advised to state if they have a conflict on an item and excuse themselves from room; may not participate or try to influence a decision.
Roseville	City Attorney provides training materials, conducts a seminar; Commissioners attend League of California Cities workshops for planning commissioners.	City Attorney and Planning Dept. staff monitor compliance; map of conflict zone maintained for property of each member.	Written procedures for recusal; when item is called, commissioner must declare nature of conflict and leave dais; may not try to influence decision.

Recusals Due to Conflict of Interest by Planning Commissioners and Design Review Board Members. Table 3 summarizes data collected concerning recusals by Planning Commissioners and Design Review Board members from October, 2002 – October, 2004. Notable points made in the table follow:

- Based on a review of meeting minutes, most cities did not identify the nature of the conflict of interest when one occurred, as required by California Code of Regulations (CCR) § 18702.5 (b)(2), *Public Identification of a Conflict of Interest for Section 87200 Filers*. The code states “...If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.”
- The City of Lincoln had 25 instances of a Planning Commissioner recusing himself from hearing an issue before the Commission. Of those, 19 of the recusals were by the same commissioner. On two occasions, this commissioner recused himself from three items at a single Planning Commission meeting.
- During the Lincoln Planning Commission meeting of February 19, 2003, a commissioner recused himself from hearing an item, left his seat on the dais and went to the podium to advocate his client’s project. This is in contradiction of California Code of Regulations (CCR) § 18702.5(b)(3), which states “.... The public official must recuse himself or herself and leave the room after the identification required by subdivisions (b)(1) and (b)(2) of this regulation is made....”
- As Lincoln’s Design Review Board does not keep minutes, the frequency and reason for recusals is not known.

Table 3. Recusals Due to Conflict of Interest by Planning Commissioners and Design Review Board Members

City/Town	Number of Recusals (10/02-10/04)	Largest Number of Recusals for Any Single Person	Most Frequent Reasons for Conflict of Interest
Auburn	11 for Planning Commission	5 for a Planning Commissioner	7 for owning property close to the item in question; reasons for recusal are always stated in the minutes.
Colfax	4 for Planning Commission.	2 for Planning Commissioner.	Specific reasons for recusal are not always stated in the minutes.
Lincoln	25 for Planning Commission; recusals for Design Review Board are unknown because no minutes are kept.	19 for a Planning Commissioner; this Commissioner has had as many as 3 recusals at a single meeting; recusals for Design Review Board are unknown since minutes are not kept.	Specific reasons are not always stated in the minutes; City Clerk indicated that a Commissioner recused himself on 19 occasions due to his professional involvement with the item before the Commission.
Loomis (Town)	2 for Planning Commission.	1 for Planning Commissioner.	Specific reasons are not always stated in the minutes.
Rocklin	None.	None.	No recusals.
Roseville	9 for Planning Commission; 5 for Design Committee.	4 for Planning Commissioner; 4 for Design Committee member.	5 for business conflict of Planning Commissioner and 4 for business conflict of Design Committee member per statement from City Manager. Specific reasons are not stated in the minutes.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The Planning Commission of the City of Lincoln has a significantly higher incidence of recusal for conflict of interest by its members than any other city studied. The frequent occurrence of a conflict of interest sends a confusing message to the public about the objectivity of Planning Commission decisions.
2. A Lincoln Planning Commissioner's advocacy of his client's project before the commission on February 19, 2003 appears to be a conflict of interest under California law. This activity blurs the boundary between the role of a dispassionate public servant and the opposing role of an advocate for a client and can compromise the integrity of Planning Commission decisions.
3. The Lincoln Design Review Board does not keep minutes for public review. While this may not be required under law, the effect is to limit public oversight of and participation in procedures which may significantly affect the quality of life in the community.
4. None of the cities studied maintains a current listing on their website of both agendas and minutes of their Planning Commission and Design Review Board meetings. This presents a significant obstacle for citizens who wish to track the many sequential decisions made by these bodies in determining the progression and quality of growth in the community.
5. Some cities lack in-house, formalized training and monitoring of conflict of interest for Planning Commission and Design Review Board members. Effective training and monitoring can preclude potential improprieties and costly lawsuits.
6. Many of the cities studied lack written policies for their Planning Commission and Design Review Board specifying the procedures members must follow to recuse themselves when a conflict of interest occurs. Clear policies regarding conflict of interest can enhance public confidence in the decisions made by Planning Commissions and Design Review Boards.
7. Most cities do not identify the nature of a conflict of interest in the meeting minutes. This is a failure to comply with CCR §18702.5 and hinders public oversight of government agencies.

Recommendations

The 2004-2005 Placer Grand Jury recommends:

1. City Council members refrain from appointing citizens to boards and commissions who frequently recuse themselves due to conflict of interest.
2. Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City's web site in a timely manner.
3. Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR § 18702.5.
4. Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.
5. Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be limited to merely handing out materials from the League of California Cities and hoping the appointee reads them.
6. Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.
7. All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of at least two years.

Commendations

The Placer County Grand Jury commends:

1. The City of Auburn for having written procedures for recusal when a conflict of interest exists and for noting the nature of the conflict in the meeting minutes.
2. The Cities of Rocklin and Roseville for maintaining a map of conflict zones for property of members of their Planning Commission to assist appointees and staff in identifying when a conflict may exist.

Respondents (within 60 days) (See pages 39-42 for Respondents' Instructions):

- City of Auburn
- City of Colfax
- City of Lincoln
- Town of Loomis
- City of Rocklin
- City of Roseville

Appendix A

WEBSITES FOR GOVERNMENT INFORMATION

Brown Act

www.caag.state.ca.us/publications/2003_Intro_BrownAct.pdf

California Laws

www.leginfo.ca.gov/calaw.html

California State Attorney General

www.caag.state.ca.us

City of Auburn, CA

www.auburn.ca.gov

City of Colfax, CA

www.ci.colfax.ca.us

City of Lincoln, CA

www.ci.lincoln.ca.us

Town of Loomis, CA

www.loomis.ca.gov

City of Rocklin, CA

www.rocklin.ca.gov

City of Roseville, CA

www.roseville.ca.us

Fair Political Practices Commission, State of California

www.fppc.ca.gov

Institute for Local Self Governance, League of California Cities

www.ilsg.org

State of California

www.ca.gov

PUBLIC GUARDIAN'S OFFICE

Summary

The 2004-2005 Placer County Grand Jury followed up on the 2003-2004 Grand Jury's investigation in the management and operation of the Public Guardian's Office (PGO). The PGO performs legal guardianship services for about 180 persons. The current year's investigation found continuing (and ever increasing) problems in that office, to include: management, staffing, warehousing, and performance of basic required tasks. During the past year, there were a few efforts by the Department of Health and Human Services (HHS) to make improvements, but these efforts were inadequate. As a result, the Grand Jury recommends significant management changes for the PGO.

Narrative

Background to Investigation. The 2004-2005 Placer County Grand Jury began its investigation into the PGO by following up on the report made by the previous Grand Jury. In addition, the Grand Jury's Health and Human Services Committee noted several other previous Grand Juries had reported on inadequacies in PGO operations. In response to these reports, the Placer County HHS has consistently stated that improvements would be made; however, the proposed changes were never implemented. Therefore, the Committee decided to perform an in-depth investigation of the PGO operations.

Responses to the 2003-2004 Grand Jury Recommendations by HHS. HHS provided responses to the 2003-2004 Grand Jury's recommendations three times: in August 2004, December 2004, February 2005. With each response, HHS came closer to satisfying the recommendations. Not until the latest response, however, does it seem HHS has a semblance of understanding the PGO problems, and still offer no well defined plan to correct them.

Identification of Additional Problems within the PGO. The Committee conducted interviews with two PGO supervisors, every PGO employee, and the HHS director. The Committee visited the PGO twice, and toured both the old and new warehouses. The Committee identified a number of problems, including:

- Poor management and supervision.
- Staffing shortages.
- Warehousing.
- Filing backlog.
- Lack of standardized policies, procedures, and workload management.

1. Poor Management and Supervision. Criticism of the management and supervision of the PGO has been identified in Grand Jury reports for years. This Committee's interviews with both the current supervisor and staff confirmed the fact that the most recent long term supervisor has been on a leave of absence for

over one year and was not expected to return. Interviews with the PGO staff found that while this supervisor was assigned 50% of his time to PGO he actually devoted less than 10% of his time. Since his absence there have been interim supervisors, none of whom have taken an interest in PGO.

2. Staffing Shortages. Last year's Grand Jury report noted two key staffing needs: the supervisor, on long-term leave but not replaced; and a clerical person, on long-term disability but not replaced. The existing four PGO staff workers include three deputies (one of whom works half-time on Public Guardian tasks) and one clerical person. The three deputies have a case load 22% larger than the state average. The clerical person is assigned to do work formerly done by two people.

This personnel shortage has been ongoing for almost two years. However, HHS' February 2005 response to the last year's recommendations stated two new half-time temporary employees would be hired to cover the work formerly done by the on-leave clerical employee.

3. Warehousing. The Committee toured the two warehouses in January 2005. The first warehouse was used to store the belongings of approximately 26 clients. The items in the warehouse were poorly arranged, not well identified, and not well catalogued. Items belonging to other agencies were interspersed with items belonging to the PGO clients.

The second warehouse is in a building modified to store PGO clients' property exclusively. The move to this warehouse facility was made in March 2005 and seems to have rectified all concerns – a major improvement.

4. Filing Backlog. Interviews with staff indicated some files have not been closed in two years. Staff indicated the filing was kept current when all staff positions were filled two years ago. Since then, the three deputies and the clerical person state they have not had time to do much filing. Therefore, there is a major filing backlog.

5. Lack of Standardized Policies, Procedures, and Workload Management. In interviews, all personnel noted the PGO has no procedure manual. They also stated about five years ago a manual was being developed, but it was somehow lost. Nothing has been done to develop a new one.

It became apparent there was a wide variance among the different deputies' practices in areas such as "frequency of visits of clients" and "storage items maintained for clients." There are neither formal job descriptions nor guidelines for any PGO staff members.

In February 2005, the HHS Director told the Committee it had been determined that the PGO would adopt the Policy and Procedure Manual for Public Guardians used in Sacramento County.

Interviews with the Public Guardian Supervisors. The Committee interviewed the interim supervisor on two occasions, in October 2004 and January 2005. The Committee also interviewed the new supervisor (appointed in January 2005) in January, February, and April 2005. She is on probation for the first few months of her assignment. The former PGO interim supervisor was promoted and is now the immediate supervisor of the new PGO supervisor.

The Committee was disappointed in its two interviews (October 2004 and January 2005) with the interim supervisor. In spite of the fact that he was the person with prime responsibility for supervising the PGO, he seemed unaware of the scope of the previous Grand Jury's report. He had a paucity of knowledge about the PGO operations, and had no definitive plan for improving the PGO. This lack of awareness on his part extended to each of the areas of the committee's concerns. He either did not know or care about staffing shortages, warehousing problems, filing backlog, or lack of a procedures manual. He had extremely limited knowledge of the duties of the PGO staff, and was unable to answer even the most basic questions about PGO operations.

Sometimes, his answers to the committee's questions were quite puzzling. When the committee asked about whether the supervisor was assigned full-time to the PGO, he claimed that he was indeed assigned full-time, but that he was also assigned full-time to another area. The committee asked if this meant that the PGO was only getting his time for 20 hours per week. His answer was "he worked 40 hours per week in both the PGO and the other office, for a total of 80 hours per week." Later, upon review of the HHS budget, the Committee learned that both he and his predecessor had nominally been assigned 50% of their time to the PGO.

In the interviews with the newly appointed PGO supervisor, the Committee was impressed with her desire to do an effective job. She is new to the PGO work and will need to be trained before she can be effective. In the recent re-shuffling of assignments within her particular area of HHS, she has been given supervisory responsibilities for three programs: PGO, Adult Protective Services, and Public Administrator. Unfortunately, staff members working in these three programs have their offices in different buildings.

Interviews with Deputies and Clerical Staff. The Committee interviewed each of the four employees assigned in that unit: three deputies and one clerical worker. The Committee was impressed with the job knowledge and work ethic of each of them.

Deputies. Two of the deputies have worked for 10 years in their PGO jobs, while the other has worked 11 years there.

Their job as conservator is quite complex and involves a number of legal issues. This means they must work closely with the Placer County Counsel's Office. Every 1st and 3rd Thursday the deputies have various court appearances. When asked how they were trained for their jobs, they stated there was no training; they basically learned to do the work "on the job," using the Public Administrator's Office for guidance in the absence of their own department's supervision.

The deputies have had a history of having supervisors within HHS who had no knowledge of the PGO, so each new supervisor had to be trained. This situation has prevailed for the past ten years and has exacerbated in the past two years.

The deputies recognize the problems of the chaotic warehouse and the filing backlog, but are so busy trying to keep up with their clients' most basic needs they have not been able to do this other work. They claimed they have made repeated attempts to work with their supervisors to improve the condition of the warehouse. They stated they offered to come in on a Saturday on their own time for warehouse cleanup. They said they found an opportunity to purchase some inexpensive shelving for the warehouse, but their supervisor rejected that idea. In spite of their difficulties, the deputies have good attitudes and are doing a good job.

Clerical Worker. The clerical worker has been in the PGO since 1988. Her official title is Senior Services Administration Clerk. Because of the arrangement of certain types of clerical workers, the clerical worker in the PGO does not report to the same supervisor that the case deputies do. Her supervisor is in the Clerical Pool. This means she has no in-PGO supervision. Because she is a "one-person" operation, she has no backup. When she is not at work, no one answers the phone, or does her work. This is a major problem, because much of her work involves tasks related to the court, such as new petitions, conservatorship renewals, and court filings. She must prepare for court every 1st and 3rd Thursday of each month.

The clerical worker is the only person who understands the details of this job. There is no written job description, and apparently, the job has evolved over the past 17 years. There is a procedural manual covering the court documents.

Years ago two clerical persons performed complementary tasks. However, two years ago, the other clerical worker left her job, went on a non-job related disability, and moved out of the county. The Committee found it difficult to understand why that position is still being held in her name.

The remaining clerical worker states the best thing to do to improve the PGO operation would be to replace the unfilled clerical position. Many things are not

getting done, e.g., no case files have been closed in over two years. She says “it doesn’t help if a temporary person comes in because it takes too long to train someone how to do the job if they only stay a short while.” Also, there is a significant volume of mail, and it would help to have an additional clerical person perform the mail opening/distribution task.

Interview with HHS Director. In February 2005, the Committee interviewed the HHS Director. He has been in his current position under one year, so he has had a limited background in dealing with the PGO. He has many responsibilities in managing an 800 plus person department, so the PGO is a small part of his responsibility. Nevertheless, in response to the 2004-2005 Grand Jury’s investigation of the PGO, he has devoted attention toward fixing the problems.

No substantive changes in the PGO operation took place before the HHS Director got personally involved. The Committee presumes he has been the catalyst in getting some improvements made:

- Two temporary half-time positions have been designated for the PGO, to assist with the clerical functions, with these positions to be filled by the end of the fiscal year.
- The Public Guardian Procedures Manual used by Sacramento County has been obtained but is not yet adapted for use by Placer County.

When the Committee questioned the wisdom of assigning a new supervisor only 1/3 time to the PGO, the Director cited budget constraints within HHS as the reason for that decision, and stated this was a necessary step.

The Committee also questioned the value of hiring two half-time temporary personnel to do the work of the former clerical person. He stated again this was a budgetary measure and the use of the temporary people would save money.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The management of the PGO has been neglected.
2. Staffing shortages have impaired PGO.
3. PGO lacks a definitive improvement plan.
4. None of the past Grand Jury recommendations were acted upon until the new HHS Director became personally involved.
5. Until recently, warehousing tasks have been performed poorly.
6. Filing tasks have been neglected due to staffing shortages.
7. There was a notable lack of standardization of policies, procedures, and workload management.

8. The PGO supervisor spends (nominally) 1/3 of her time with the PGO tasks.
9. The PGO supervisor has responsibility for directing three distinct programs, but each has offices in different physical areas.
10. All new PGO supervisors for the past several years have initially known nothing of PGO work and have required basic PGO training.

Recommendations

The 2004-2005 Placer Grand Jury recommends:

1. The PGO be reorganized.
2. A supervisor be able to devote sufficient time to correct the PGO problems.
3. The three programs directed by the PGO supervisor be co-located in the same building.
4. The PGO supervisor develop a definitive PGO Improvement Plan.
5. The staffing shortage be corrected.
6. The warehouse continue to be monitored for improvements.
7. The filing tasks be brought up to date.
8. Standardized policies be implemented.
9. Job descriptions be developed.
10. Continued training of the PGO supervisor.
11. Follow-up on the PGO situation by the 2005-2006 Grand Jury.

Respondents (within 60 days) (see pages 39-42 for Respondents' Instructions):

- Public Guardian's Office
- Health and Human Services Department
- Placer County Executive Officer

BURTON CREEK SHERIFF'S SUBSTATION

Summary

The Burton Creek Sheriff's Substation and related courtroom facilities are outmoded and have reached the point where future remodeling is not cost effective. Therefore, the Grand Jury recommends active planning started for a new enlarged facility on a site already owned by Placer County.

Narrative

Background to Investigation. Penal Code Section 919(b) states: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Accordingly, the 2004-2005 Placer County Grand Jury visited the Burton Creek Sheriff's Substation and related courtroom and other facilities. Because the Grand Jury has visited and reported on the Burton Creek facilities for each of the past several years, the Grand Jury also followed up on the specific recommendations of previous Grand Juries.

Inadequacy of the Current Burton Creek Sheriff's Substation Facility. The current facility housing the sheriff's substation and courtroom functions, built in 1960, has been remodeled many times. The Sheriff's Office has off-loaded some of its operations to a nearby rented facility. However, this is only a minor aid to the basic problem of having an outmoded and inadequate facility. Based on Grand Jury observations and interviews, the current facility does not have the space needed to perform its required functions properly, nor is the facility amenable to the type of remodeling that would be required to make it a proper facility.

Contractual Arrangements between Placer and Nevada Counties. Truckee, located near Tahoe City (but in Nevada County), houses a Nevada County Sheriff's facility and related courtroom. Placer County contracts with Nevada County for the Truckee facility as needed to house inmates arrested in Placer County. This contractual arrangement helps Placer County to minimize space requirements in its Burton Creek Substation holding cells.

Placement of New Sheriff's Substation in Cabin Creek Area. Property in the Burton Creek/Tahoe City area is much more expensive than in most other areas of Placer County. However, Placer County owns the property housing the current Burton Creek Substation. Placer County also owns property in the Cabin Creek area which could be used to build a new Substation facility. The Cabin Creek area is located several miles north of Tahoe City, and is much closer to Truckee.

The Grand Jury received a memorandum from the Placer County Assistant County Executive Officer which had been prepared by the Facility Services Department. The department estimated costs of a vehicle maintenance building

and a sand storage building on the Cabin Creek site. This same site might be used as a future sheriff's substation and court.

Active Planning Needed for a Future Substation Facility. While some of the Burton Creek Sheriff Department officials have presented the idea of building a new substation and courtroom facility at Cabin Creek, the idea has not been developed in detail, and thus has not been considered by policy makers. In order to effectively develop these concepts, it is important to have the pertinent Placer County entities start to plan for a new substation.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The Burton Creek Sheriff's Substation is housed in an inadequate facility.
2. The county's Cabin Creek property may provide a suitable location for a new sheriff's substation to replace Burton Creek.

Recommendations

The 2004-2005 Placer Grand Jury recommends:

1. An in-depth planning study be performed to determine the cost and timetable for a new sheriff and courtroom facility at Cabin Creek.
2. This planning study be performed jointly by Placer and Nevada Counties.

Respondents (within 60 days) (See pages 39-42 for Respondents' Instructions):

- Placer County Executive Officer
- Placer County Sheriff's Office
- Placer County Facility Services Department

EMERGENCY RESPONSES FOR THE ELDERLY

Summary

The 2004-2005 Placer County Grand Jury investigated the handling of possible emergencies concerning elderly people who live alone. This may be an increasing problem as there are growing numbers of elderly persons who live alone. Policies that are helpful without being illegal or intrusive should be adopted.

Narrative

Background to Investigation. The 2004-2005 Placer County Grand Jury's Criminal Justice Committee initiated an investigation into emergency responses for the elderly. The Committee was informed of a situation where an elderly person's friend believed her friend was in need of attention, but because the police had no firm reason to "break in" to the home, they waited 72 hours before breaking in. The elderly person was found dead at that time in her own home. It was unclear whether an earlier intervention could have saved her life. Based on that incident, the Committee conducted several interviews to see what policies were in place within the county to intervene in the home of a potentially incapacitated elderly person.

Scope of the Problem. According to estimates of the US Census Bureau, in 2003, Placer County had 9,418 persons over the age of 65 who were living alone. With this sizable number of older people, it is reasonable to expect that there will be a large group of people who are "at risk" in their homes if they should become suddenly incapacitated and are unable to call for immediate medical attention.

Interviews with Police and Sheriff Departments. The Committee interviewed personnel from the police departments of Auburn, Lincoln, Rocklin, and Roseville, and the Placer County Sheriff's office, regarding their policies toward home intervention in the case of an "at risk" elderly person. The reported policies were diverse, but each department is well aware of the problems inherent in these situations. Each person interviewed was interested in trying to strike a proper balance between privacy concerns and helpfulness when emergencies occur.

Police Concerns Regarding Privacy Issues. Each police department is well aware of privacy considerations. They know the United States Constitution's 4th Amendment precludes forcible entry into private residences without a warrant. Some jurisdictions have learned through their own experience that forcible entry into some of the newer homes in Placer County has resulted in damage claims being made against a police department in the thousands of dollars. Therefore,

police departments are extremely reluctant to make forcible entry into homes even for the “at risk” elderly population.

Police Concern for the “At Risk” Elderly Group. Each police jurisdiction has shown a willingness to respond to help potentially “at risk” persons if there is a significant indication of a major health concern. Each police jurisdiction works as closely as it can with citizen groups such as Neighborhood Watch organizations or Home Owner Associations to assist in looking out for “at risk” elderly persons. The Auburn Police Department has issued comprehensive guidelines for Patrol Officers who may investigate reports of health concerns for “at risk” people. The Lincoln Police Department is actively pursuing a solution for the “at risk” people in conjunction with a local citizens’ group. In all cases, the final decision as to forcible entry of an “at risk” person is dependent on the judgment of the investigating officer.

Legal “Exceptions” to Warrantless Entry. Although the US Constitution’s 4th Amendment specifically precludes warrantless entry into private homes, California’s Case Law provides an exception for Police Officers under the “community caretaker exception.” Specific guidance is provided in the California Peace Officers Legal Sourcebook. In such a case, officers must be able to point to “specific and articulable facts” to justify an entry into a private home.

Cooperation Among the Placer Law Enforcement Agencies. To further cooperation among the several law enforcement agencies, the Placer Law Enforcement Agencies Executive Council (PLEA) meets monthly to discuss mutual problems. PLEA includes the Chiefs of Police of Roseville, Rocklin, Lincoln, and Auburn, as well as the Placer County Sheriff’s Department and the California Highway Patrol.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The police departments within Placer County are fully aware of the potential health concerns of “at risk” elderly persons who live alone. That awareness is balanced against the need for respecting privacy issues, so police are reluctant to make forcible entry based on limited data.
2. The several police jurisdictions have no common policy regarding intervention in the home of “at risk” persons, but try to work closely with citizen groups to arrive at a humane yet practical solution.

Recommendations

The 2004-2005 Placer Grand Jury recommends:

1. Each police jurisdiction prepare written guidelines for Patrol Officers when investigating “at risk” elderly persons.
2. Police departments and citizen groups work together to encourage “at risk” elderly persons to develop a system whereby neighbors keep track of them.
3. PLEA to discuss the problems in dealing with emergency responses for elderly people in distress, exchanging ideas in the hope of establishing effective common policies.
4. Each jurisdiction ensure that their Patrol Officers are aware of the exceptions and limitations to warrantless entry as provided in California Case Law.

Respondents (within 60 days) (See pages 39-42 for Respondents’ Instructions):

- Auburn Police Department
- Lincoln Police Department
- Rocklin Police Department
- Roseville Police Department
- Placer County Sheriff’s Department

CITY JAILS WITHIN PLACER COUNTY

Summary

The 2004-2005 Placer County Grand Jury's Criminal Justice Committee visited jails in Auburn, Lincoln, Rocklin, and Roseville, and was impressed with their operation. The Grand Jury especially commends the City of Rocklin, its planners, police personnel, and others who assisted in the development of Rocklin's new state-of-the-art facility, which opened in May 2005.

Narrative

Background to Investigation. Penal Code Section 919(b) states: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Accordingly, the 2004-2005 Placer County Grand Jury's Criminal Justice Committee visited the jails in Auburn, Lincoln, Rocklin, and Roseville.

Commonalities Among the Cities, Their Jails, and Police Departments. Based on the Committee's interviews with police chiefs and their staffs, the challenges of growth in population and crime are being addressed as follows:

- Each police department has been increasing its size and facilities.
- Each police department makes effective use of volunteers, and has a significant community relations effort.
- Each department is well managed, and is future oriented.

Defining Future Needs for Police Facilities and Organizations. In interviews with the police chiefs of each of the cities, it was apparent that future planning was a key issue for each police department. Each was well aware of future needs, but some seemed to have identified future needs with more planning than others

Some Special Accomplishments. Rocklin has designed a state-of-the-art police station that could serve as a model for many others. It makes excellent use of space, and is designed to handle both present and future needs so that it will still be current when Rocklin reaches its maximum growth in a few years.

The Rocklin Police Station contains well defined areas for offices, interviews, recreation, a firing range, evidence rooms, and all other needs for a modern police operation.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The police departments within Placer County are doing excellent work.
2. Rocklin's new police station is outstanding.
3. All police departments do detailed future planning.

Commendation

The 2004-2005 Placer County Grand Jury commends the City of Rocklin for its fine work in planning, design, and construction of the new police station.

Respondents: None required.

JUVENILE DETENTION FACILITY AND OPERATIONS

Summary

The 2004-2005 Grand Jury visited the county's Juvenile Detention Facility (JDF). The Grand Jury especially commend the JDF operation for its new facility and its effective adaptation of the System Management, Advocacy, and Resource Team (SMART) methodology. As a result, JDF has an improved rate of non-recidivism, and has achieved an average stay of only two weeks per youth in its system.

Narrative

Background to Investigation. Penal Code Section 919(b) states: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." This charge to inquire into prisons also applies to the county's juvenile facilities. Accordingly, the 2004-2005 Placer County Grand Jury's Health and Welfare Committee visited the JDF in Auburn. The Committee met with the Juvenile Hall Director, the Chief Probation Officer, and probation staff members.

Notable Improvements in JDF Operations. The JDF operation has improved markedly over the past few years. The committee was especially impressed with the following areas:

1. *JDF Facility.* The facility itself is extremely clean and spacious with an open, covered physical education (PE) area. The individual quarters used by the youth were well lighted and neat. The facility is sizable enough that the county is able to rent space at the hall to outside counties; this practice will result in cost savings.
2. *The Daily JDF Operational Program for the Youth.* JDF staff members operate a full functional and well-balanced program for the youth who stay at the facility. The youth are kept busy at all times with education, counseling, and recreation activities. Discipline is well handled, with incorrigible youth being isolated from the general population in a special section of the facility.
3. *The Adaptation of the System Management, Advocacy, and Resource Team (SMART) Methodology.* The SMART method, which emphasizes a team approach, is used to the advantage of each youth who is within the JDF.
4. *Recidivism Rate, and Numbers of Youth Served.* The recidivism rate for youth offenders has improved in Placer County in recent years. There has been an emphasis on trying to keep youth offenders in their own homes. This approach has been successful, as evidenced by the fact that out-of-home placement is down by 60%. Thus, offending youth are remaining much more in their own homes and staying less in JDF.

5. *Average Length of Stay.* Again, with emphasis on having offenders stay a minimum of time in the Juvenile Hall, the average length of stay at the JDF is only two weeks.

Finding

The 2004-2005 Placer County Grand Jury found:

The JDF program is well executed.

Commendation

The 2004-2005 Placer County Grand Jury commends the JDF staff members.

Respondents:

No response is necessary.

PLACER COUNTY ANNUAL AUDIT

Summary

The 2004-2005 Placer County Grand Jury performed its oversight functions of the county's accounting and auditing procedures and practices. The Grand Jury's Audit and Finance Committee reviewed accounting and auditing operations with the county's independent auditing firm and with the county's Auditor-Controller's Office. The Committee was impressed with all the accounting and auditing practices and results. The Grand Jury commends the Placer County Auditor-Controller and her staff.

Narrative

Background to Investigation. California Penal Code Section 925 requires county grand juries to "... investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..." Accordingly, the 2004-2005 Placer County Grand Jury's Audit and Finance Committee performed an investigation of the county accounting and auditing procedures, practices, and results.

Committee Meetings with the Independent Auditors for Placer County. Placer County has contracted with the Certified Public Accountants and Management Consulting Firm of Bartig, Basler, & Ray to perform its annual independent audit. The Committee met with Bartig, Basler, & Ray representatives, reviewing the procedures and results of its Placer County audit. The results of their audit indicated that all significant accounting and auditing issues had been properly executed.

Meetings with Placer County Auditor-Controller's Office. The Committee met with the County Auditor-Controller's Office to review its accounting and auditing practices. The Committee was impressed with the work being done by the Auditor-Controller's Office.

The Government Accounting Standards Board is the national accounting and financial reporting standards setting body for government entities. However, four years ago, in an effort to perform its work at an even higher level, the Placer County Auditor-Controller's Office chose to perform its accounting work to the demanding standards of the Government Finance Officers Association for Comprehensive Annual Financial Reports (CAFR). Each of the past three years, the county's full compliance with requirements associated with CAFR has earned the county the highest recognition in government accounting and financial reporting through the receipt of a Certificate of Achievement for Excellence in Financial Reporting. The county's office expects to receive recognition again this year from CAFR.

The Auditor-Controller's Office reports that it is in the second year of a three-year program to support the County Executive's Office in the implementation of "Governing for Results," a performance based budgeting and reporting system. This system is expected to improve departmental objective settings and measuring of performance against those objectives. It is expected that "Governing for Results" will be used by all county departments next year.

Findings

The 2004-2005 Placer County Grand Jury found:

1. The County Auditor-Controller's Office is in compliance with all accounting/auditing requirements.
2. The county's independent auditing firm, Bartig, Basler, & Ray, found no significant problems with the county's accounting and audit procedures, practices, and results.
3. The County Auditor-Controller's Office performs its operations according to the methodology and standards defined by the Government Finance Officers Association for Comprehensive Annual Financial Reports.
4. The County Auditor-Controller's Office has had success introducing the "Governing for Results" system.

Commendation

The 2004-2005 Placer County Grand Jury commends the County Auditor-Controller's Office for its excellent work.

Respondents: None required.

Note to Respondents

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is printed below.

Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all Respondents, Sections 933.05 of the California Penal Code is summarized as follows:

How to Respond to the Findings

The responding person or entity must respond in one of two ways:

- (1) That you agree with the finding.
- (2) That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

How to Report Action in Response to Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

- (1) The recommendation has been implemented, with a summary of the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Budgetary or Personnel Recommendations

If either a finding or recommendation deals with budgetary or personnel matters of a County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the finds or recommendations.

Appearance Before the Grand Jury

Prior to the publication or release of Grand Jury findings, the Grand Jury may request a personal appearance by the person or entity to discuss the proposed findings.

Advance Release of Grand Jury Report Disclosure Prohibited Prior to Public Release

Two working days prior to release of the Final Report, the Grand Jury will provide a copy of the portion of the report to all affected agencies or persons. No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its public release.

Time to Respond, Where and to Whom to Respond

Section 933.(c), Penal Code, depending on the type of Respondent, provides for two different response times and to whom you must respond:

- (1) Public Agency: The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.
- (2) Elective Office or Agency Head: All elected officers or heads of agencies who are required to respond must do so within sixty (60) days, to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.

The Presiding Judge of the Placer County Superior Court system is:

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Also, please send a carbon copy to the Placer County Grand Jury, addressed as follows:

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

California Penal Code
Section 933.05

- a. For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - (1) The Respondent agrees with the finding.
 - (2) The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- b. For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:
 - i. The recommendation has been implemented, with a summary regarding the implemented action.
 - ii. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - iv. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

- c. However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a County agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

- d. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- e. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation, unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
- f. A grand jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two (2) working days prior to its public release and after the approval of the Presiding Judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the Final Report.

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